



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/764,804	01/26/2004	Brandon A. Grooters	P1449US01	9751
32709	7590	07/11/2007		
Gateway Inc Patent Attorney PO Box 2000 N. Sioux City, SD 57049			EXAMINER IDOWU, OLUGBENGA O	
			ART UNIT 2623	PAPER NUMBER
			MAIL DATE 07/11/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/764,804

Applicant(s)

GROOTERS, BRANDON A.

Examiner

Olugbenga O. Idowu

Art Unit

2623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on 25 April 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-28 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 April 2007 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_.

### DETAILED ACTION

1. Applicant's arguments filed 4/25/2007 have been fully considered but they are not persuasive. Transitory simply means temporary and the term applies to every program in an EPG. Also, Rosin teaches searching the Internet for information for the user.

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1 – 22 are rejected under 35 U.S.C. 102(e) as being anticipated by Rosin, Patent Number: US 6 397 387 B1.

As per **claim 1**, Rosin teaches: An electronic program guide system, comprising:

a first information handling system(Fig. 1, 16) for obtaining programming information from a program information source(Fig.1, Internet) and generating a program guide based upon the obtained program information(the server 16 can also provide a page with links or shortcuts to internet content to be displayed in the graphical user interface or front end of the client. These pages are displayed as part of

a selection of channels for both internet content and television programming, col. 5, lines 61 - 65);

a second information handling system(Fig. 1, 12) coupled to said first information handling system , for receiving the program guide by causing said first information handling system to transmit the program guide to said second information handling system(the server 16 can also provide a page with links or shortcuts to internet content to be displayed in the graphical user interface or front end of the client. These pages are displayed as part of a selection of channels for both internet content and television programming, col. 5, lines 61 - 65); and

said first information handling system being configured to search a worldwide network for information regarding a transitory broadcast event( The server functions as the client's access to the internet so that the client can request documents, files and other information from other servers connected to the internet, col. 5, lines 51 - 54 ) and to incorporate the transitory event information into the generated program guide prior to transmitting the program guide to said second information handling system( The service provider can package content to address the information needs and interests of a diverse consumer marketplace, col. 5, lines 56 - 58).

As per **claim 2**, Rosin teaches: An electronic program guide system as claimed in claim 1, said first and second information handling systems being configured to operate as a client and server system (Fig. 1, there is shown a client-server system, col.4, lines

Art Unit: 2623

10 -11), said first information handling system being a server(Fig. 1, 16) and said second information handling system being a client (Fig. 1, 10).

As per **claim 3**, Rosin teaches: An electronic program guide system as claimed in claim 1, the worldwide network being the Internet (Fig. 1, Internet).

As per **claim 4**, Rosin teaches: An electronic program guide as claimed in claim 1, wherein first information handling system is configured to search said worldwide network according to a list of parameters (The service provider can package content to address the information needs and interests of a diverse consumer marketplace, col. 5, lines 56 - 58).

As per **claim 5**, Rosin teaches: An electronic program guide as claimed in claim 4, wherein said list of parameters includes a predetermined list of nodes (the guide page may be automatically modified, adapted, and updated by either the client or the server, and be based at least in part on past viewing and browsing habits of client, col. 7, lines 14 - 17).

As per **claim 6**, Rosin teaches: An electronic program guide system as claimed in claim 1, said second information handling system being configured to receive a broadcast of the transitory broadcast event via the worldwide network (a second set of internet links associated with the highlighted topic are displayed while the first set of

Art Unit: 2623

topics are being displayed. Each link preferably references a URL for a web document, col. 7, lines 46 - 49).

As per **claim 7**, Rosin teaches: An electronic program guide system as claimed in claim 1, the electronic program guide having a predetermined number of program channels, said first information handling system being configured to add the information regarding a transitory broadcast event as a channel in addition to the predetermined number of program channels in the electronic program guide (the guide page may be represented as a channel from a menu of channels to be selected by the user in addition to traditional television programming channels, col. 7, lines 10 -13).

As per **claim 8**, Rosin teaches: An electronic program guide as claimed in claim 1, wherein said transitory broadcast event refers to a scheduled live broadcast event (The server functions as the client's access to the internet so that the client can request documents, files and other information from other servers connected to the internet, col. 5, lines 51 - 54).

As per **claim 9**, Rosin teaches: An electronic program guide system, comprising:  
means for obtaining programming information from a program information source and generating a program guide based upon the obtained program information(the server 16 can also provide a page with links or shortcuts to internet content to be

displayed in the graphical user interface or front end of the client. These pages are displayed as part of a selection of channels for both internet content and television programming, col. 5, lines 61 - 65);

means, coupled to said obtaining means, for receiving the program guide by causing said obtaining means to transmit the program guide to said receiving means(the server 16 can also provide a page with links or shortcuts to internet content to be displayed in the graphical user interface or front end of the client. These pages are displayed as part of a selection of channels for both Internet content and television programming, col. 5, lines 61 - 65); and

said obtaining means being configured to search a worldwide network for information regarding a transitory broadcast event(The server functions as the client's access to the internet so that the client can request documents, files and other information from other servers connected to the internet, col. 5, lines 51 - 54) and to incorporate the transitory event information into the generated program guide prior to transmitting the program guide to said second information handling system (The service provider can package content to address the information needs and interests of a diverse consumer marketplace, col. 5, lines 56 - 58).

As per **claim 10**, Rosin teaches: An electronic program guide system as claimed in claim 9, said obtaining means and said receiving means being configured to operate as a client and server system (Fig. 1, there is shown a client-server system, col.4, lines 10 -11), said obtaining means being a server(Fig. 1, 16) and said receiving means

being a client (Fig. 1, 10).

As per **claim 11**, Rosin teaches: An electronic program guide system as claimed in claim 9, the worldwide network being the Internet (Fig. 1, Internet).

As per **claim 12**, Rosin teaches: An electronic program guide as claimed in claim 9, wherein said obtaining means is configured to search said worldwide network according to a list of parameters (The service provider can package content to address the information needs and interests of a diverse consumer marketplace, col. 5, lines 56 - 58).

As per **claim 13**, Rosin teaches: An electronic program guide as claimed in claim 12, wherein said list of parameters includes a predetermined list of nodes (the guide page may be automatically modified, adapted, and updated by either the client or the server, and be based at least in part on past viewing and browsing habits of client, col. 7, lines 14 - 17).

As per **claim 14**, Rosin teaches: An electronic program guide system as claimed in claim 9, said receiving means being configured to receive a broadcast of the transitory broadcast event via the worldwide network (a second set of internet links associated with the highlighted topic are displayed while the first set of topics are being displayed. Each link preferably references a URL for a web document, col. 7, lines 46 - 49)



As per **claim 15**, Rosin teaches: An electronic program guide system as claimed in claim 9, the electronic program guide having a predetermined number of program channels, said obtaining means being configured to add the information regarding a transitory broadcast event as a channel in addition to the predetermined number of program channels in the electronic program guide (the guide page may be represented as a channel from a menu of channels to be selected by the user in addition to traditional television programming channels, col. 7, lines 10 -13)

As per **claim 16**, Rosin teaches: An electronic program guide as claimed in claim 9, wherein said transitory broadcast event refers to a scheduled live broadcast event (The server functions as the client's access to the internet so that the client can request documents, files and other information from other servers connected to the internet, col. 5, lines 51 - 54).

As per **claim 17**, Rosin teaches: An electronic program guide system, comprising:  
means for obtaining programming information from a program information source(the server 16 can also provide a page with links or shortcuts to internet content to be displayed in the graphical user interface or front end of the client. These pages are displayed as part of a selection of channels for both Internet content and television programming, col. 5, lines 61 - 65);

means, coupled to said obtaining means, for generating a program guide based upon the obtained program information (the server 16 can also provide a page with links or shortcuts to internet content to be displayed in the graphical user interface or front end of the client. These pages are displayed as part of a selection of channels for both internet content and television programming, col. 5, lines 61 - 65);

means, coupled to said obtaining means, for receiving the program guide by causing said obtaining means to transmit the program guide to said receiving means (the server 16 can also provide a page with links or shortcuts to internet content to be displayed in the graphical user interface or front end of the client. These pages are displayed as part of a selection of channels for both internet content and television programming, col. 5, lines 61 - 65); wherein said obtaining means is configured to search a worldwide network for information regarding a scheduled live broadcast event (The server functions as the client's access to the internet so that the client can request documents, files and other information from other servers connected to the internet, col. 5, lines 51 - 54) and to incorporate the transitory event information into the generated program guide prior to transmitting the program guide to said second information handling system (The service provider can package content to address the information needs and interests of a diverse consumer marketplace, col. 5, lines 56 - 58), the electronic program guide having a predetermined number of program channels, said obtaining means being configured to add the information regarding the scheduled live broadcast event as a channel in addition to the predetermined number of program channels in the electronic program guide (the guide page may be

Art Unit: 2623

automatically modified, adapted, and updated by either the client or the server, and be based at least in part on past viewing and browsing habits of client, col. 7, lines 14 - 17).

As per **claim 18**, Rosin teaches: An electronic program guide system as claimed in claim 17, said obtaining means and said receiving means being configured to operate as a client and server system (Fig. 1, there is shown a client-server system, col.4, lines 10 -11), said obtaining means being a server (Fig. 1, 16) and said receiving means being a client(Fig. 1, 10).

As per **claim 19**, Rosin teaches: An electronic program guide system as claimed in claim 17, the worldwide network being the Internet (Fig. 1, Internet).

As per **claim 20**, Rosin teaches: An electronic program guide as claimed in claim 17, wherein said obtaining means is configured to search said worldwide network according to a list of Parameters (The service provider can package content to address the information needs and interests of a diverse consumer marketplace, col. 5, lines 56 - 58).

As per **claim 21**, Rosin teaches: An electronic program guide as claimed in claim 20, wherein said list of parameters includes a predetermined list of nodes (the guide page

may be automatically modified, adapted, and updated by either the client or the server, and be based at least in part on past viewing and browsing habits of client, col. 7, lines 14 - 17).

As per **claim 22**, Rosin teaches: An electronic program guide system as claimed in claim 17, said receiving means being configured to receive a broadcast of the scheduled live broadcast event via the worldwide network (a second set of internet links associated with the highlighted topic are displayed while the first set of topics are being displayed. Each link preferably references a URL for a web document, col. 7, lines 46 - 49).

#### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 23 – 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rosin, Patent Number: US 6 397 387 B1 in view of Rosin, publication number: US 20010012024 A1.

As per claims 23 – 28, Rosin (387) teaches providing information to a user through the EPG.

Rosin (387) does not teach adding and removing channels from the program guide.

In an analogous art, Rosin (2024) teaches adding and removing channels from the program guide (add and delete channel, [0036], lines 18 – 21).

Therefore, it would have been obvious to one of ordinary skill in the art to modify Rosin (387) by including a button that allows to edit the channel lineup in the EPG, as described in Rosin (2024) for the advantages of making the EPG cater better to users.

### ***Conclusion***

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Olugbenga O. Idowu whose telephone number is 571 270 1450. The examiner can normally be reached on Monday to Friday, 7am -5pm Est.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick Edourd can be reached on 571 272 7603. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

O.I. 1/16/2007

  
CHRISTOPHER GRANT  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600